

REMARKS

Applicants respectfully request reconsideration in view of the foregoing amendments and following remarks.

Claim Status

Claims 1-13 are pending in this application, of which claims 3, 6, 7, and 13 have been withdrawn as a result of an election requirement. Claims 1, 2, 4, 5 and 8-12 are currently being considered, of which claims 1 and 5 are independent in form. Claims 1, 2, 4, 5 and 8-12 are rejected.

After entry of the foregoing amendments, claims 1, 2, 4, 5, 8-12 remain pending in this application, of which claims 1 and 5 are independent in form. Claims 3, 6, 7, and 13 are canceled herein without prejudice or disclaimer. Claims 1, 5, and 10 are amended herein. Support for these amendments is found throughout the specification, as filed, for example FIG. 7A. No new matter has been added by these amendments.

Information Disclosure Statement

Applicants submit herewith an Information Disclosure Statement and a corresponding Form PTO-1449, which lists references that are discussed in the background of the invention section of the specification. The Examiner is respectfully requested to fully consider these references and return an initialed copy of the Form PTO-1449 to the Applicants.

Claim Rejections - 35 U.S.C. § 103

Claims 1, 2, 4, 5, and 8-12 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,822,022 to Deter et al. (“Deter”) in view of U.S. Patent No. 6,626,542 to Baba et al. (“Baba”). Applicants respectfully disagree with the

characterizations of the claims and of the prior art in the stated rejections and respectfully traverse these rejections.

Amended independent claims 1 and 5 are directed to an scan type display optical system comprising, *inter alia*, an optical scanning device and “a mechanism which supports and rotates the optical scanning device.”

Deter discloses an optical scanning device. Bata discloses a projection optical system that includes a plurality of reflective surfaces. However, neither Deter nor Bata, alone or in combination, discloses, teaches, or suggests the structure of the scan type display optical system according to independent claims 1 and 5.

Applicants respectfully submit that the present invention as claimed is neither taught nor suggested by, and therefore neither anticipates nor renders obvious in view of, Deter or Baba, taken individually or in combination.

Thus, independent claims 1 and 5 are believed to define patentable subject matter. Further, dependent claims 2, 4, and 8-12, which ultimately depend from independent claim 1, are believed to define patentable subject matter for at least similar reasons.

Applicants have not independently addressed the rejections of the dependent claims as Applicant believe that the foregoing places the independent claims in condition for allowance. Applicant, however, reserves the right to address those rejections in the future should such a response be deemed necessary and appropriate.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the stated rejections.

Double Patenting

Claims 1, 2, 4, 5, and 8-12 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,626,521 to Sunaga ("Sunaga") in view of Deter. Applicants respectfully traverse this rejection.

Claim 1 of Sunaga does not include the "mechanism which supports and rotates the optical scanning device" that is required by each of the pending claims. Further, as stated above, Deter fails to disclose, teach, or suggest such a mechanism.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections applied to claims 1, 2, 4, 5, and 8-12 under the judicially created doctrine of obviousness-type double patenting as being unpatentable claim 1 of Sunaga in view of Deter.

CONCLUSION

In view of the foregoing, the present invention as recited in the claims presented herein is believed patentably distinct over the art of record and Applicants respectfully request that the respective rejections and objections be withdrawn. The application is believed to be hereby placed in condition for allowance, which action is respectfully requested. If any outstanding issues remain, however, the Examiner is invited to contact the undersigned at the telephone number below.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. **13-4500**, Order No. 1232-5286.

In the event that an extension of time is required in addition to that requested in the accompanying Petition, the Commissioner is requested to grant a petition for that extension

of time which is required to make this response timely and is hereby authorized to charge any fee
for such an extension of time or credit any overpayment for an extension of time to Deposit
Account No. **13-4500**, Order No. 1232-5286.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: October 13, 2005

By:



Stephen J. Manetta
Registration No. 40,426

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101
(212) 415-8700 Telephone
(212) 415-8701 Facsimile